THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

WRIT PETITION NO. 10178 OF 2002

DATED: 20-09-2005

Between

M/s. Sadit Anwar, A-1, Karimabad Cooperative

Housing Society Limited, Chirag Ali Lane,

Hyderabad, rep. by its Proprietor Mr. Sadiruddin Noorani.

..... PETITIONER

And

The Commercial Tax Officer,

Begum Bazar Circle,

Hyderabad.

..... RESPONDENT

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THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

WRIT PETITION NO. 10178 OF 2002

ORDER: (per Sri B. Sudershan Reddy, J)

In view of the orders in T.R.C No. 249 of 2001 which we have dismissed just now, there are no further impediments as such for refund of the amount of Rs.85,494/- to the petitioner as prayed for in the writ petition. In our considered opinion, even otherwise the respondent could not have withheld the refund of the amount on the ground that T.R.C 249 of 2001 preferred by the Department is pending in this Court. It is no ground to refuse the refund of the amount.

For the aforesaid reasons, the writ petition is allowed directing the respondent to refund to the petitioner the amount of Rs.85,494/- together with interest at the rate of 12% per annum within a period of four weeks from the date of receipt of a copy of the order. No order as to costs.

(B. Sudershan Reddy, J)

20..09..2005

(S. Ananda Reddy, J)

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